

BILL ANALYSIS

Senate Research Center

S.B. 279
By: Nelson
Health & Human Services
6/18/2001
Enrolled

DIGEST AND PURPOSE

The Texas Department of Health's (TDH) regulatory review has identified enabling statutes for health facility regulatory programs that lack license probation and emergency suspension as sanction options. S.B. 279 increases the range of sanctions, providing these programs with greater flexibility to bring individuals into compliance.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 241.051, Health and Safety Code, by adding Subsection (f) to provide that information obtained or compiled by the department in connection with a complaint or investigation that is confidential by law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

SECTION 2. Amends Section 241.053, Health and Safety Code, as follows:

New heading: DENIAL OF APPLICATION, SUSPENSION, REVOCATION, PROBATION, OR REISSUANCE OF LICENSE.

(f) Authorizes the Texas Department of Health (department) to schedule a hospital for probation rather than suspending or revoking the hospital's license if the department finds that a hospital is in repeated noncompliance under Subsection (a) but that the noncompliance does not endanger public health and safety. Requires the department to provide notice to the hospital of the probation and of the items of noncompliance before the 10th day before the date the probation period begins. Requires the department to designate a period of not less than 30 days during which the hospital will remain under probation. Requires the hospital to correct the items that were in noncompliance and report them to the department for approval.

(g) Authorizes the department to suspend or revoke the license of a hospital that does not correct the noncompliance items or that does not comply with the applicable requirements within the probation period.

SECTION 3. Amends Section 243.011, Health and Safety Code, as follows:

New heading: DENIAL, SUSPENSION, PROBATION, OR REVOCATION OF LICENSE.

(c) Makes a conforming change relating to ambulatory surgical centers.

(d) Makes a conforming change relating to ambulatory surgical centers.

SECTION 4. Amends Section 244.011, Health and Safety Code, as follows:

New heading: DENIAL, SUSPENSION, PROBATION, OR REVOCATION OF LICENSE.

(c) Makes a conforming change relating to birthing centers.

(d) Makes a conforming change relating to birthing centers.

SECTION 5. Amends Section 245.012, Health and Safety Code, as follows:

New heading: DENIAL, SUSPENSION, PROBATION, OR REVOCATION OF LICENSE.

(d) Makes a conforming change relating to abortion facilities.

(e) Makes a conforming change relating to abortion facilities.

SECTION 6. Amends Section 248.051, Health and Safety Code, as follows:

New heading: DENIAL, SUSPENSION, PROBATION, OR REVOCATION OF LICENSE.

(c) Makes a conforming change relating to special care facilities.

(d) Makes a conforming change relating to special care facilities.

SECTION 7. Amends Section 251.062, Health and Safety Code, as follows:

New heading: DENIAL, SUSPENSION, PROBATION, OR REVOCATION OF LICENSE.

(c) Makes a conforming change relating to end stage renal disease facilities.

(d) Makes a conforming change relating to end stage renal disease facilities.

SECTION 8. Amends Chapter 251E, Health and Safety Code, by adding Section 251.0621, as follows:

Sec. 251.0621. EMERGENCY SUSPENSION. Authorizes the department to issue an emergency order to suspend a license issued under this section if the department has reasonable cause to believe that the conduct of a license holder creates an immediate danger to the public health and safety. Provides that an emergency suspension is effective immediately without a hearing on notice to the license holder. Requires the department to conduct a hearing not earlier than the 10th day or later than the 30th day after the date the hearing request is received to determine if the emergency suspension is to be continued, modified, or rescinded, on written request of the license holder. Provides that the hearing and any appeal are governed by the department's rules for a contested case hearing and Chapter 2001 (Administrative Procedure), Government Code.

SECTION 9. Amends Section 577.013, Health and Safety Code, by adding Subsection (f) to provide that information obtained or compiled by the department in connection with a complaint or investigation that is confidential by law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

SECTION 10. Amends Section 577.016, Health and Safety Code, as follows:

New heading: DENIAL, SUSPENSION, PROBATION, OR REVOCATION OF LICENSE.

(f) Authorizes the department to schedule a private mental hospital or mental health facility for probation rather than suspending or revoking the hospital's or facility's license, if the department finds that a hospital or facility is in repeated noncompliance under Subsection (a) but that the noncompliance does not endanger public health and safety. Requires the department to provide notice to the hospital or facility of the probation and of the items of noncompliance before the 10th day

before the date the probation period begins. Requires the department to designate a period of not less than 30 days during which the hospital or facility will remain under probation. Requires the hospital or facility to correct the items that are in noncompliance and to report them to the department for approval.

(g) Authorizes the department to suspend or revoke the license of a private mental hospital or mental health facility that does not correct the noncompliance items or that does not comply with the applicable requirements within the probation period.

SECTION 11. Repealers: Sections 241.051(d) and (e), Health and Safety Code, and Sections 577.013(d) and (e), Health and Safety Code.

SECTION 12. (a) Effective date: upon passage or September 1, 2001, except as provided by Subsection (b).

(b) Provides that the changes in law made by this Act to Sections 241.051 and 577.013, Health and Safety Code, take effect September 1, 2001.